1	Natu J. Patel (SBN 188618)				
2	Daniel H. Ngai (SBN 302297)				
3	Kunal Jain (SBN 296642) THE PATEL LAW FIRM, P.C.				
	22952 Mill Creek Drive				
4	Laguna Hills, CA 92653				
5	Phone: (949) 955-1077 Fax: (949) 955-1877				
6	NPatel@thePatelLawFirm.com				
7					
8	Attorneys for Plaintiff and Counter-Defendant,				
9	Ashlynn Marketing Group, Inc.				
10	UNITED STATES	S DISTRICT COURT			
11	SOUTHERN DISTRICT OF CALIFORNIA				
12) Case No. 3:16-cv-01001	-CAR-RGS		
13	ASHLYNN MARKETING GROUP,) Honorable Cathy Ann			
14	INC., a California Corporation,)			
15	Plaintiff,)) JOINT MOTION FOR	DISMISSAL		
	Traintin,) OF THE ENTIRE ACT			
16	v.) PREJUDICE			
17	IMPERIAL TOBACCO LIMITED, a)			
18	United Kingdom Limited Company;) [Proposed Order Submi	tted		
19	ITG BRANDS, LLC, a Texas Limited	•			
20	Liability Company;)			
21	COMMONWEALTH – ALTADIS, INC., a Delaware Corporation; and) Complaint Filed:	April 25, 2016		
22	DOES 1 through 10, inclusive,) No Trial Date Set	11pm 20, 2010		
23	D. C. 1)			
24	Defendants.)			
25)			
26					
)			
27)			
28	And Related Counterclaims.	,)			
	Joint Motion For Dismissal o	Joint Motion For Dismissal of the Entire Action With Prejudice			

16cv01001

Case 3:16-cv-01001-CAB-BGS Document 29 Filed 02/23/17 PageID.220 Page 1 of 4

WHEREAS, Plaintiff Ashlynn Marketing Group, Inc. ("Ashlynn" or

17 18

19

20

21 22

24

23

25 26

///

27 28

"Plaintiff") filed a complaint in the above-captioned matter against Defendants Imperial Tobacco Limited, ITG Brands LLC, and Commonwealth-Altadis, Inc. (collectively "Defendants") on April 25, 2016 [ECF No. 1];

WHEREAS Defendants filed and served their Answer and Affirmative Defenses ("Answer") denying the allegations contained therein on June 14, 2016;

WHEREAS simultaneously with Defendants' Answer, Defendant Imperial Tobacco Limited ("Imperial Tobacco") filed and served its Counterclaims against Ashlynn on June 14, 2016 [ECF No. 9];

WHEREAS Defendant Imperial Tobacco filed and served its First Amended Counterclaims against Ashlynn on August 16, 2016 [ECF No. 15];

WHEREAS Ashlynn filed and served its Answer and Affirmative Defenses to the First Amended Counterclaims denying the allegations contained therein on September 6, 2016 [ECF No. 16];

WHEREAS Plaintiff and Defendants (collectively the "Parties") entered into a written confidential Settlement and Co-Existence Agreement ("Settlement Agreement") on February 21, 2017 to terminate this action without the need for further litigation.

NOW THEREFORE, the Parties, pursuant to the Settlement Agreement and Federal Rules of Civil Procedure, Rule 41, hereby jointly and respectfully move this Honorable Court for an order dismissing the entire action, including Ashlynn's Complaint [ECF No. 1] and Imperial Tobacco's First Amended Counterclaims [ECF No. 15], each with prejudice, with each party to bear its own attorneys' fees and costs.

1	Dated:	February 23, 2017	Respectfully submitted, THE PATEL LAW FIRM, P.C.
2			THE TATEL LAW PIKWI, T.C.
3			/o/ Notes I. Dotal
4			/s/ Natu J. Patel Natu J. Patel Attorneys for Plaintiff and
5 6			Attorneys for Plaintiff and Counter-Defendant, Ashlynn Marketing Group, Inc. NPatel@thePatelLawFirm.com
7			NF ater@ther aterbawrinin.com
8	Dated:	February 22, 2017	Respectfully submitted, DYKEMA GOSSETT LLP
9			
10			/s/ Allan Gabriel
11			Allan Gahriel
12			Attorneys for Defendants Imperial Tobacco Limited, ITG Brands, LLC, and Commonwealth – Altadis, Inc. and
13			Commonwealth – Altadis, Inc. and Counter-claimant Imperial Tobacco
14			Limited Limited
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			

CERTIFICATE OF SERVICE

SOUTHERN DISTRICT OF CALIFORNIA

Case No.: 3:16-cv-01001-CAB-BGS

The undersigned certifies that on February 23, 2017, the following documents and all related attachments ("Documents") were filed with the Court using the CM/ECF system.

JOINT MOTION FOR DISMISSAL OF THE ENTIRE ACTION WITH PREJUDICE

Pursuant to CivLR 5.4, all parties to the above case and/or each attorneys of record herein who are registered users are being served with a copy of these Documents via the Court's CM/ECF system. Any other parties and/or attorneys of record who are not registered users from the following list are being served by first class mail.

s/ Natu J. Patel
Natu J. Patel